

REMARKS

In the Office Action mailed June 18, 2010, claims 1-39 and 85 were pending. Claims 1-39 and 85 were rejected. Claims 1-39 and 85 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dwyer, FR, “Customer Lifetime Valuation to Support Marketing Decision Making”, 1997, Journal of Direct Marketing, Volume 11, Issue 4, John Wiley & Sons, pp. 6-13. (hereinafter Dwyer) in view of “Quantitative approaches for profit maximization in direct marketing”, 1998, H van der Scheer – dissertations.ub.nl (hereinafter Scheer).

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The official notice of various claimed elements being in the prior art is traversed. The number of times that Official Notice is taken is indicia that the combination of elements is non-obvious. Otherwise, the examiner would be able to provide prior art references showing these claimed elements and a justification of the combination.

The independent claims have been amended to better clarify the present invention. First, the number of customers targeted is the number of potential new customers targeted for the direct mail marketing campaign. Dwyer does not disclose utilizing direct mail to acquire new customers, but rather is limited to utilizing direct mail for retaining old customers. The new customers are acquired through promotions that, for example, give both a discount and a prize such as an alarm clock. Another reason that this distinction is significant is that the figures

utilized throughout for Dwyer are purely projections, utilizing round numbers to project profits. The actual numbers will not be known until a certain number of customers respond to the promotions. In the presently claimed invention however, the actual number of potential customers who will be mailed is specified. These claimed elements are missing from the combined references.

The claims have also been amended to require that either a cost of a shipping service is selectively received, or a selection of a type of shipping service is received, and in that case, the cost of shipping is calculated based on the number of potential customers targeted and the type of shipping received. Disclosed in the specification is that this calculating utilizes built-in tables for different types of shipping, including different postage rates for different types of direct mail. These claimed elements are missing from the combined references.

It is respectfully submitted that claimed elements are not disclosed in the combined references, including, but not limited to, elements attributed to Official Notice, and therefore that a *prima facie* case of obviousness has not been established, that this rejection of these claims is improper, and it is requested that this rejection be withdrawn.

Applicants believe that the above-identified application is now in condition for allowance and such action is respectfully requested.

If the Examiner has any questions regarding this application or this response, the Examiner is requested to telephone the undersigned at 775-586-9500.

Respectfully submitted,  
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